

FILED  
RICHARD W. HAGEL  
CLERK OF COURT

2015 FEB -6 PM 2:06

SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION - CINCINNATI  
CIVIL ACTION NUMBER  
**1:15 CV 087**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION – CINCINNATI

GREAT AMERICAN INSURANCE COMPANY	)	Civil Action No. <b>1:15 CV 087</b>
P.O. Box 2119	)	
Cincinnati, Ohio 45201	)	
	)	
vs.	)	
	)	
M & D TRANSPORTATION SERVICES, INC.	)	
D/B/A MND TRANSPORTATION, INC.	)	
170 West Roosevelt Road	)	
West Chicago, Illinois 60185	)	
Serve: Michael Giese	)	
661 Nor Oaks Court	)	
West Chicago, Illinois 60185	)	
	)	
MICHAEL GIESE	)	
661 Nor Oaks Court	)	
West Chicago, Illinois 60185	)	
	)	
ASSIST FINANCIAL SERVICES, INC.	)	
O/B/O LITMAX LINES, INC.	)	
P.O. Box 347	)	
1533 NW 2nd Street	)	
Madison, South Dakota 57042	)	
Serve: Brian G. Kringen	)	
1533 NW 2nd Street	)	
Madison, South Dakota 57042	)	
	)	
LITMAX LINES, INC.	)	
2130 Gould Court	)	
Rockdale, Illinois 60436	)	
Serve: Vytautas Katalynas	)	
2130 Gould Court	)	
Rockdale, Illinois 60436	)	
	)	
KWL TRUCKING, INC.	)	
511 Meadowview Drive	)	
West Chicago, Illinois 60185	)	
Serve: Krystyna Lesny	)	
511 Meadowview Drive	)	
West Chicago, Illinois 60185	)	

MIB TRANSPORT, LLC )  
1773 Linden Road )  
West Sacramento, California 95691 )  
    Serve: Inna Bondarenko )  
        1773 Linden Road )  
        West Sacramento, California 95691 )  
                               )  
INTERSTATE CAPITAL CORP. )  
O/B/O KEE & C ENTERPRISE, LLC; )  
SEVEN STAR EXPRESS, INC.; )  
UNITED STATES FREIGHT )  
SERVICE- ROAD AND RAIL, INC.; )  
LONDON TRANSPORT, INC.; and )  
FREIGHT TRANSPORT, INC. )  
1255 Country Club Road, Suite D )  
Santa Teresa, New Mexico 88008 )  
    Serve: Patricia Navarrete )  
        1255 Country Club Road, Suite D )  
        Santa Teresa, New Mexico 88008 )  
                               )  
KEE & C ENTERPRISE, LLC )  
9814 Wildwood Court, Unit 1A )  
Highland, Indiana 46322 )  
    Serve: Incorp Services, Inc. )  
        120 East Market Street, Suite 808 )  
        Indianapolis, Indiana 46204 )  
                               )  
SEVEN STAR EXPRESS, INC. )  
202 Meadowlark Lane )  
Monroe, Ohio 45050 )  
    Serve: Jupinder Kaur )  
        202 Meadowlark Lane )  
        Monroe, Ohio 45050 )  
                               )  
UNITED STATES FREIGHT )  
SERVICE- ROAD AND RAIL, INC. )  
4135 W. 52nd Place )  
Chicago, Illinois 60632 )  
    Serve: Ruslan Nairner )  
        9396 Landings Lane, Suite J406 )  
        Des Plaines, Illinois 60016 )

LONDON TRANSPORT, INC. )  
10402 Compagnoni Street )  
Bakersfield, California 93313 )  
    Serve: Veronica Ontiveros )  
        10402 Compagnoni Street )  
        Bakersfield, California 93313 )  
                                   )  
FREIGHT TRANSPORT, INC. )  
13139 Paloma Drive )  
Orlando, Florida 32837 )  
    Serve: Manuel Corredor )  
        13139 Paloma Drive )  
        Orlando, Florida 32837 )  
                                   )  
TRUCKING EXPERTS, LLC )  
2130 West 163rd Place )  
Markham, Illinois 60428 )  
    Serve: Ruta Kutaviciute )  
        2130 West 163rd Place )  
        Markham, Illinois 60428 )  
                                   )  
LEYTE GULF, LTD. )  
2505 Anthem Village Drive, Suite E289 )  
Henderson, Nevada 89044 )  
    Serve: Frederick Militante )  
        2505 Anthem Village Drive E289 )  
        Henderson, Nevada 89044 )  
                                   )  
FRANK'S VACUUM TRUCK SERVICE, INC. )  
1717 New Road )  
Niagra Falls, New York14304 )  
    Serve: Frank Jurek, Jr. )  
        1717 New Road )  
        Niagra Falls, New York14304 )  
                                   )  
BAYLAND TRANSPORT, INC. )  
3150 Twilight Lane )  
Green Bay, Wisconsin 54311 )  
    Serve: John A. Larscheid )  
        3150 Twilight Lane )  
        Green Bay, Wisconsin 54311 )

PHOENIX CAPITAL GROUP, LLC )  
O/B/O JPMKL, INC. )  
8707 E. Vista Bonita Drive, Suite 240 )  
Scottsdale, Arizona 85255 )  
    Serve: Craig R. Berry )  
        8707 E. Vista Bonita Drive, Suite )  
        240 )  
        Scottsdale, Arizona 85255 )  
                                               )  
JPMKL, INC. )  
7312 N Keeler Avenue )  
Lincolnwood, Illinois 60712 )  
    Serve: Karolina Ljubic )  
        7312 N Keeler Avenue )  
        Lincolnwood, Illinois 60712 )  
                                       )  
SUNBELT FINANCE, LLC )  
O/B/O ON TIME LOGISTICS, LLC )  
2900 Browns Lane )  
Jonesboro, Arkansas 72401 )  
    Serve: Mickey Seeman )  
        2900 Browns Lane )  
        Jonesboro, Arkansas 72401 )  
                                       )  
CLARK TRANSPORTATION, INC. )  
10300 West Sontag Drive )  
Rocheport, Missouri 65279 )  
    Serve: Craig Yaeger )  
        West Sontag Drive )  
        Rocheport, Missouri 65279 )  
                                       )  
CARGO TRANSIT CORP. )  
6720 W. Dakin Street )  
Chicago, Illinois 60634 )  
    Serve: Marek Raczka )  
        6720 W. Dakin Street )  
        Chicago, Illinois 60634 )  
                                       )  
JB TRANSPORTATION, INC. )  
10201 W. Schiller Boulevard )  
Franklin Park, Illinois 60131 )  
    Serve: Jordan Bashkov )  
        10201 W. Schiller Boulevard )  
        Franklin Park, Illinois 60131 )

STARK LOGISTICS, LLC )  
1213 Ashbury Drive )  
Lemont, Illinois 60439 )  
    Serve: Agnes Stefaniszyn )  
        1213 Ashbury Drive )  
        Lemont, Illinois 60439 )  
                               )  
RIVIERA FINANCE OF TEXAS, INC. )  
O/B/O SOUTHWIND TRANSPORTATION, INC. )  
and UDUI TRUCKING, LLC )  
7041 Koll Center Parkway, Suite 148 )  
Pleasanton, California 94566 )  
    Serve: Kathleen Ozenne )  
        7041 Koll Center Parkway, Suite 148 )  
        Pleasanton, California 94566 )  
                               )  
UDUI TRUCKING, LLC )  
7230 County Line Road )  
Galion, Ohio 44833 )  
    Serve: Daria Petty )  
        7230 County Line Road )  
        Galion, Ohio 44833 )  
                               )  
A.J. LINES, INC. )  
125 41st Street )  
Downers Grove, Illinois 60515 )  
    Serve: Egle Budreikiene )  
        125 41st Street )  
        Downers Grove, Illinois 60515 )  
                               )  
DF CARRIER, LLC )  
28745 Wick Road )  
Romulus, Michigan 48174 )  
    Serve: Tara Howell )  
        28745 Wick Road )  
        Romulus, Michigan 48174 )  
                               )  
FIRSTLINE FUNDING GROUP )  
O/B/O EVA LOGISTICS, INC. and )  
SAS TRANSPORTATION, LLC )  
1400 Washington Ave N )  
PO Box 328 )  
Madison, South Dakota 57042 )  
    Serve: Deann Moulton )  
        520 Sixth Street )  
        Brookings, South Dakota 57006 )

SAS TRANSPORTATION, LLC )  
6130 Nashville Road )  
Bowling Green, Kentucky 42101 )  
    Serve: Sedin Salihovic )  
        6130 Nashville Road )  
        Bowling Green, Kentucky 42101 )  
                               )  
  
MENKE, LLC )  
4111 S. Landers Lane )  
English, Indiana 47118 )  
    Serve: Craig Menke )  
        4111 S. Landers Lane )  
        English, Indiana 47118 )  
                               )  
  
ZS TRANSPORTATION, LLC )  
1341 Angelica Court )  
Bowling Green, Kentucky 42104 )  
    Serve: Naida Dautovic )  
        1341 Angelica Court )  
        Bowling Green, Kentucky 42104 )  
                               )  
  
USXL Worldwide, LLC )  
13710 Shoreline Court East )  
Earth City, Missouri 63045 )  
    Serve: Vincent D. Vogler )  
        Two City Place Drive, Suite 150 )  
        P.O. Box 419037 )  
        St. Louis, Missouri 63141 )  
                               )  
  
JD FACTORS, INC. )  
O/B/O BNX, LLC and )  
PRO STAR FREIGHT SYSTEMS, INC. )  
490 E. Roosevelt Road, Suite 103 )  
West Chicago, Illinois 60185 )  
    Serve: Mandy Donald )  
        490 E. Roosevelt Road, Suite 103 )  
        West Chicago, Illinois 60185 )  
                               )  
  
BNX, LLC )  
2612 Scotswolde Drive )  
Fort Wayne, Indiana 46808 )  
    Serve: Nermin Besirovic )  
        8007 Whittier Court )  
        Fort Wayne, Indiana 46818 )

PRO STAR FREIGHT SYSTEMS, INC. )  
1325 W. Irving Park Road #301 )  
Bensenville, Illinois 60106 )  
    Serve: Nikola Zaric )  
        1325 W. Irving Park Road #301 )  
        Bensenville, Illinois 60106 )  
                                       )  
  
GENEX EXPRESS ENTERPRISES, INC. )  
152 Touhy Court )  
Des Plaines, Illinois 60018 )  
    Serve: Ljubisa Srejovic )  
        152 Touhy Court )  
        Des Plaines, Illinois 60018 )  
                                       )  
  
JT EXPRESS, INC. )  
7N648 Route 59 )  
Bartlett, Illinois 60103 )  
    Serve: James Carlino )  
        7N648 Route 59 )  
        Bartlett, Illinois 60103 )  
                                       )  
  
CORELOGIC, INC. )  
O/B/O LTI TRUCKING SERVICES, INC.; )  
STALLION TRANSPORTATION GROUP, INC.; )  
and A&S SERVICES GROUP, INC. )  
10277 Scripps Ranch Boulevard )  
San Diego, California 92131 )  
    Serve: Chris LaBerge )  
        10277 Scripps Ranch Boulevard )  
        San Diego, California 92131 )  
                                       )  
  
LTI TRUCKING SERVICES, INC. )  
411 North 10th Street, #500 )  
St. Louis, Missouri 63101 )  
    Serve: Carol Sak )  
        411 North 10th Street, #500 )  
        St. Louis, Missouri 63101 )  
                                       )  
  
STALLION TRANSPORTATION GROUP, LLC )  
2409 West Dewitt Henry Drive )  
Beebe, Arkansas 72012 )  
    Serve: Garland Rice, III )  
        2409 West Dewitt Henry Drive )  
        Beebe, Arkansas 72012 )

A&S SERVICES GROUP, INC. )  
883 East Tolna Road )  
New Freedom, Pennsylvania 17349 )  
    Serve: Accounting Manager )  
        883 East Tolna Road )  
        New Freedom, Pennsylvania 17349 )  
                                       )  
  
GOLDEN EAGLE TRANSPORTATION )  
5771 Boxwood Hills Place )  
Antelope, California 95843 )  
    Serve: Faith Doroshuk )  
        5771 Boxwood Hills Place )  
        Antelope, California 95843 )  
                                       )  
  
NETWORK XPRESS, INC. )  
901 Carthage Highway )  
Lebanon, Tennessee 37087 )  
    Serve: Lisa Bledsoe )  
        901 Carthage Highway )  
        Lebanon, Tennessee 37087 )  
                                       )  
  
PIONEER TANK LINES, INC. )  
12501 Hudson Road S )  
Afton, Minnesota 55001 )  
    Serve: Tom Donley )  
        12501 Hudson Road S )  
        Afton, Minnesota 55001 )  
                                       )  
  
TAYLOR LOGISTICS )  
D/B/A TAYLOR TRUCK LINE, INC. )  
801 Highway 3 North )  
Northfield, Minnesota 55057 )  
    Serve: Bobbi Craft )  
        801 Highway 3 North )  
        Northfield, Minnesota 55057 )  
                                       )  
  
TOWER TRUCK LINES, INC. )  
736 Industrial Drive )  
Elmhurst, Illinois 60126 )  
    Serve: Agnus Blaszczak )  
        736 Industrial Drive )  
        Elmhurst, Illinois 60126 )

MILLER & OVERTON TRUCKING, INC. )  
4371 Lerna Road )  
Mattoon, Illinois 61938 )  
    Serve: Jill Walker )  
        4371 Lerna Road )  
        Mattoon, Illinois 61938 )  
                               )  
  
JASON TRANSPORT, INC. )  
2441 Becker Drive )  
Albert Lea, Minnesota 56007 )  
    Serve: Richard Becker )  
        2441 Becker Drive )  
        Albert Lea, Minnesota 56007 )  
                               )  
  
MAG TRANSPORTATION, LLC )  
861 Ship Wreck Place )  
Inman, South Carolina 29349 )  
    Serve: Michael Germanovich )  
        861 Ship Wreck Place )  
        Inman, South Carolina 29349 )  
                               )  
  
FISCHER TRUCKING, INC. )  
4808 Kroemer Road )  
Ft. Wayne, Indiana 46818 )  
    Serve: James Miller )  
        4808 Kroemer Road )  
        Ft. Wayne, Indiana 46818 )  
                               )  
  
JTRANS, INC. )  
2025 East 38th Street )  
Marion, Indiana 46953 )  
    Serve: Melissa Heaton )  
        2025 East 38th Street )  
        Marion, Indiana 46953 )  
                               )  
  
SPECIAL DELIVERY EXPRESS, INC. )  
9605 Lilac Drive )  
St. Louis, Missouri 63137 )  
    Serve: Nicole Suppiger )  
        9605 Lilac Drive )  
        St. Louis, Missouri 63137 )  
                               )

BULA LAND COMPANY, LLC )  
301 3rd Avenue )  
Plainfield, Wisconsin 54966 )  
    Serve: Gene Bula )  
        301 3rd Avenue )  
        Plainfield, Wisconsin 54966 )  
                               )  
ALL SEASONS EXPRESS, LLC )  
5398 Market Street )  
Kalamazoo, Michigan 49048 )  
    Serve: Gloria Wielgos )  
        5398 Market Street )  
        Kalamazoo, Michigan 49048 )  
                               )  
NATIONWIDE FREIGHT SYSTEMS, INC. )  
1385 Madeline Lane, Suite 100 )  
Elgin, Illinois 60124 )  
    Serve: Jackie Philp )  
        1385 Madeline Lane, Suite 100 )  
        Elgin, Illinois 60124 )  
                               )  
AMERICAN HIGHWAY, INC. )  
1401 Harvester Road )  
West Chicago, Illinois 60185 )  
    Serve: Maggie Gutowski )  
        1401 Harvester Road )  
        West Chicago, Illinois 60185 )  
                               )  
BUCHANAN HAULING & RIGGING, INC. )  
4625 Industrial Road )  
Ft. Wayne, Indiana 46825 )  
    Serve: Shellie Harrison )  
        4625 Industrial Road )  
        Ft. Wayne, Indiana 46825 )  
                               )  
LCA TRUCKING, INC. )  
12556 Canela Court )  
Orlando, Florida 32837 )  
    Serve: Cecilia Corredor )  
        12556 Canela Court )  
        Orlando, Florida 32837 )  
                               )

WEBB FARM SERVICES )  
2868 N Wesfex Lane )  
Belle Rive, Illinois 62810 )  
    Serve: Kelly Webb )  
        2868 N Wesfex Lane )  
        Belle Rive, Illinois 62810 )  
                               )  
ASH TRANSPORT, LLC )  
86 East 28th Street )  
Chattanooga, Tennessee 37410 )  
    Serve: Andre Shved )  
        86 East 28th Street )  
        Chattanooga, Tennessee 37410 )  
                               )  
PINEWOOD TRANSPORTATION, LTD. )  
1651 Refugee Road )  
Columbus, Ohio 43207 )  
    Serve: Jeff Meyers )  
        1651 Refugee Road )  
        Columbus, Ohio 43207 )  
                               )  
TIESLER TRUCKING, INC. )  
20627 US HWY 59 N )  
Worthington, Minnesota 56187 )  
    Serve: Dale Ebbers )  
        20627 US HWY 59 N )  
        Worthington, Minnesota 56187 )  
                               )  
HD EXPRESS, INC. )  
6319 N. Bell Avenue )  
Chicago, Illinois 60659 )  
    Serve: Andrei Galea )  
        6319 N. Bell Avenue )  
        Chicago, Illinois 60659 )  
                               )  
POCONO MOTOR FREIGHT, INC. )  
522 Memorial Boulevard, Route 611 )  
Tobyhanna, Pennsylvania 18566 )  
    Serve: Vasil Hlinka )  
        522 Memorial Boulevard, Route 611 )  
        Tobyhanna, Pennsylvania 18566 )

FREIGHT ZONE TRANSPORTATION, LLC )  
3358 HWY 20 )  
Decatur, Alabama 35601 )  
    Serve: Rick Tait )  
        3358 HWY 20 )  
        Decatur, Alabama 35601 )  
            )  
  
MMM FREIGHT CORP. )  
1073 Talbot Lane )  
Elk Grove Village, Illinois, 60007 )  
    Serve: Irina Rumeanter )  
        1073 Talbot Lane )  
        Elk Grove Village, Illinois, 60007 )  
            )  
  
GP TRANSPORTATION CO. )  
5346 East Avenue )  
Countryside, Illinois 60525 )  
    Serve: Kristina Liutkus )  
        5346 East Avenue )  
        Countryside, Illinois 60525 )  
            )  
  
ST. CHARLES TRADING, INC. )  
650 Raddant Road )  
Batavia, Illinois 60510 )  
    Serve: Daniel Murray )  
        650 Raddant Road )  
        Batavia, Illinois 60510 )  
            )  
  
STEWARDSHIP, INC. )  
84 Sweeney Street )  
N. Tonawanda, New York 14151 )  
    Serve: Susan Brown )  
        84 Sweeney Street )  
        N. Tonawanda, New York 14151 )  
            )  
  
TRANSPORT ONE, INC. )  
3514 Goodfellow Avenue )  
St. Louis, Missouri 63120 )  
    Serve: Kevin Dusin )  
        3514 Goodfellow Avenue )  
        St. Louis, Missouri 63120 )

OWNER-OPERATORS INDEPENDENT )  
DRIVERS ASSOCIATION )  
O/B/O LHO TRANSPORT, INC. and )  
TJ TRANSPORTATION, LLC )  
1 NW OOIDA Drive )  
Grain Valley, Missouri 64029 )  
    Serve: Joan Harris )  
        1 NW OOIDA Drive )  
        Grain Valley, Missouri 64029 )  
            )  
LHO TRANSPORT, INC. )  
218 Clifton Lane )  
Bolingbrook, Illinois 60440 )  
    Serve: Lech Ostrowski )  
        218 Clifton Lane )  
        Bolingbrook, Illinois 60440 )  
            )  
TJ TRANSPORTATION, LLC )  
14222 Reelfoot Lake Drive )  
Chesterfield, Missouri 63017 )  
    Serve: Sultan Ismailov )  
        14222 Reelfoot Lake Drive )  
        Chesterfield, Missouri 63017 )  
            )  
A&M CARRIERS, LLC )  
200 College Street Road, Suite H )  
Elizabethtown, Kentucky 42701 )  
    Serve: B.J. Morse )  
        200 College Street Road, Suite H )  
        Elizabethtown, Kentucky 42701 )  
            )  
BILL FUNK TRUCKING, INC. )  
933 Main St. N.W. )  
Chatfield, Minnesota 55923 )  
    Serve: Mary Funk )  
        933 Main St. N.W. )  
        Chatfield, Minnesota 55923 )  
            )  
CHASERS EXPRESS, LLC )  
N 9278 South Kora Road )  
Ripon, Wisconsin 54971 )  
    Serve: Nancy Chase )  
        N 9278 South Kora Road )  
        Ripon, Wisconsin 54971 )

M&P TRANS, INC. )  
11931 Colony Lakes Boulevard )  
New Port Richey, Florida 34654 )  
    Serve: Peter Bikowski )  
        11931 Colony Lakes Boulevard )  
        New Port Richey, Florida 34654 )  
                                       )  
  
TERMINAL TRANSPORT, INC. )  
2982 Cleveland Avenue )  
Roseville, Minnesota 55113 )  
    Serve: Lisa Klatt )  
        2982 Cleveland Avenue )  
        Roseville, Minnesota 55113 )  
                                       )  
  
WEST WIND LOGISTICS, INC. )  
8316 N. Elmore )  
Niles, Illinois 60714 )  
    Serve: Marzena Czachor )  
        8316 N. Elmore )  
        Niles, Illinois 60714 )  
                                       )  
  
REAL TRANSPORT, INC. )  
2030 S. State Street, Suite 2004 )  
Chicago, Illinois 60616 )  
    Serve: Kristina Vlastelica )  
        2030 S. State Street, Suite 2004 )  
        Chicago, Illinois 60616 )  
                                       )  
  
LOGISTICS SERVICES, INC. )  
900 Apollo Road )  
Eagan, Minnesota 55121 )  
    Serve: Dick Brown )  
        900 Apollo Road )  
        Eagan, Minnesota 55121 )  
                                       )  
  
BOHREN LOGISTICS, INC. )  
325 N. Taylor Road )  
Garrett, Indiana 46738 )  
    Serve: Sharon Blake )  
        325 N. Taylor Road )  
        Garrett, Indiana 46738 )

H.T.I. HALL TRUCKING EXPRESS, INC. )  
110 Bentley Court )  
Findlay, Ohio 45840 )  
    Serve: Theresea Terry )  
        110 Bentley Court )  
        Findlay, Ohio 45840 )  
                               )  
USA CHOICE, INC. )  
181 Overmount Avenue, Apt. F )  
Woodland Park, New Jersey 07424 )  
    Serve: Accounting Department )  
        181 Overmount Avenue, Apt. F )  
        Woodland Park, New Jersey 07424 )  
                               )  
DENNIS R. HILKER TRUCKING, LLC )  
701 E. Beacon Avenue )  
New London, Wisconsin 54961 )  
    Serve: Lori A. Hilker )  
        701 E. Beacon Avenue )  
        New London, Wisconsin 54961 )  
                               )  
APEX CAPITAL CORP. )  
O/B/O NATIONAL EXPRESS CARRIERS, INC. )  
6000 Western Place, Suite 1000 )  
Ft. Worth, Texas 76107 )  
    Serve: Dean Tetirick )  
        6000 Western Place, Suite 1000 )  
        Ft. Worth, Texas 76107 )  
                               )  
NATIONAL EXPRESS CARRIERS, INC. )  
1312 Marquette Drive, Suite C )  
Romeoville, Illinois 60446 )  
    Serve: Sarunas Brazdeikis )  
        1312 Marquette Drive, Suite C )  
        Romeoville, Illinois 60446 )  
                               )  
KW TRANSIT, INC. )  
10706 Tesch Lane )  
Rothschild, Wisconsin 54474 )  
    Serve: Sherry Klemm )  
        10706 Tesch Lane )  
        Rothschild, Wisconsin 54474 )

RIVIERA FINANCE OF TEXAS, INC.	)
O/B/O DRINA TRANS, INC.	)
5411 Gateway Drive, Suite 100	)
Irving, Texas 75063	)
Serve: Adriana Canela	)
5411 Gateway Drive, Suite 100	)
Irving, Texas 75063	)
)	)
DRINA TRANS, INC.	)
2351 W. Northwest HWY, Suite 2235	)
Dallas, Texas 75220	)
Serve: Radislav Mikic	)
2351 W. Northwest HWY, Suite 2235	)
Dallas, Texas 75220	)
)	)
KEVIN VOIGT TRUCKING, INC.	)
W5410 Krueger Road	)
Black Creek, Wisconsin 54106	)
Serve: Kacey Voigt	)
W5410 Krueger Road	)
Black Creek, Wisconsin 54106	)
)	)
B&M TRANSPORTATION, LLC	)
1411 N. Warson Road	)
St. Louis, Missouri 63132	)
Serve: Mike Shelton	)
1411 N. Warson Road	)
St. Louis, Missouri 63132	)
)	)
KRUEGER TRANSPORTATION, INC.	)
21964 St. HWY 56	)
Austin, Minnesota 55912	)
Serve: Mike Krueger	)
21964 St. HWY 56	)
Austin, Minnesota 55912	)
)	)
CENTURY FINANCE, LLC	)
O/B/O COAST 2 COAST TRANSPORT, INC.	)
2900 Browns Lane	)
Jonesboro, Arkansas 72401	)
Serve: Robert Windham	)
2900 Browns Lane	)
Jonesboro, Arkansas 72401	)

COAST 2 COAST TRANSPORT, INC. )  
2638 N. Lamon Avenue )  
Chicago, Illinois 60639 )  
    Serve: Agata Sakaluk )  
        2638 N. Lamon Avenue )  
        Chicago, Illinois 60639 )  
                               )  
DANWAYS EXPRESS, LLC             )  
6455 Hilltop Drive, Suite 113 )  
North Richland Hills, Texas 76180 )  
    Serve: Beatrice Ward )  
        6455 Hilltop Drive, Suite 113 )  
        North Richland Hills, Texas 76180 )  
                               )  
SARGENT TRUCKING, LLC             )  
64 Main Street                     )  
Mars Hill, Maine 04758             )  
    Serve: Pete Cheney )  
        64 Main Street )  
        Mars Hill, Maine 04758 )  
                               )  
URIEL TRUCKING, LLC             )  
5436 Jefferson Davis HWY         )  
Richmond, Virginia 23234         )  
    Serve: Kurt Klingensmith )  
        5436 Jefferson Davis HWY )  
        Richmond, Virginia 23234 )  
                               )  
CASKET CARRIERS, INC.             )  
1550 S County Road 60 SW         )  
Greensburg, Indiana 47240         )  
    Serve: Jack Laurich )  
        1550 S County Road 60 SW )  
        Greensburg, Indiana 47240 )  
                               )  
TRADEMARK TRANSPORTATION, INC. )  
739 Vandalia Street                 )  
St. Paul, Minnesota 55114         )  
    Serve: Renee Wenc )  
        739 Vandalia Street )  
        St. Paul, Minnesota 55114 )

RG TRANSPORT, LLC )  
900 North D Street )  
Elwood, Indiana 46036 )  
    Serve: Missy Rominger )  
        900 North D Street )  
        Elwood, Indiana 46036 )  
                               )  
LAKELAND CARTAGE, INC. )  
7633 Ganser Way, Suite 100 )  
Madison, Wisconsin 53719 )  
    Serve: Richard A. Westley )  
        7633 Ganser Way, Suite 100 )  
        Madison, Wisconsin 53719 )  
                               )  
TAK TRUCKING, INC. )  
2510 Devon Avenue )  
Elk Grove Village, Illinois 60007 )  
    Serve: Brendan Mann )  
        2510 Devon Avenue )  
        Elk Grove Village, Illinois 60007 )  
                               )  
ARTUR EXPRESS, INC. )  
10352 Lake Bluff Drive )  
St. Louis, Missouri 63123 )  
    Serve: Sanin Alic )  
        10352 Lake Bluff Drive e )  
        St. Louis, Missouri 63123 )  
                               )  
FLAGSHIP TRANSPORTATION, LLC )  
4715 Pinewood Road )  
Louisville, Kentucky 40218 )  
    Serve: Melissa Andres )  
        4715 Pinewood Road )  
        Louisville, Kentucky 40218 )  
                               )  
G.M. FREIGHT, INC. )  
19801 Holland Road )  
Brook Park, Ohio 44142 )  
    Serve: Jim Crail )  
        19801 Holland Road )  
        Brook Park, Ohio 44142 )

B&Z LOGISTICS, INC. )  
1008 Liberty Industrial Drive )  
O'Fallon, Missouri 63366 )  
    Serve: Katie Gobely )  
        1008 Liberty Industrial Drive )  
        O'Fallon, Missouri 63366 )  
                                       )  
  
BAXTER BAILEY & ASSOCIATES, INC. )  
O/B/O HERRINGTON TRANSPORTATION, INC.; )  
FAMILY TRANSPORT, INC.; )  
HMD TRUCKING, INC.; )  
PICCOLO, INC.; and P&B LOGISTICS, INC. )  
1630 Goodman Road E, Suite 3, )  
Southaven, Mississippi 38671 )  
    Serve: Barbara Brady )  
        1213 Ashbury Drive )  
        Lemont, Illinois 60439 )  
                                       )  
  
HERRINGTON TRANSPORTATION, INC. )  
10247N 1350th Street )  
Paris, Illinois 61944 )  
    Serve: Steven R. Herrington )  
        10247N 1350th Street )  
        Paris, Illinois 61944 )  
                                       )  
  
FAMILY TRANSPORT, INC. )  
1526 Alisha Lane )  
Romeoville, Illinois 60446 )  
    Serve: Eva Mizerakova )  
        1526 Alisha Lane )  
        Romeoville, Illinois 60446 )  
                                       )  
  
HMD TRUCKING, INC. )  
10031 Virginia Avenue )  
Chicago Ridge, Illinois 60185 )  
    Serve: Jock Howard )  
        10031 Virginia Avenue )  
        Chicago Ridge, Illinois 60185 )  
                                       )  
  
PICCOLO, INC. )  
771 Brownslock Road )  
Bowling Green, Kentucky 42101 )  
    Serve: Senad Valetanlic )  
        771 Brownslock Road )  
        Bowling Green, Kentucky 42101 )

P&B LOGISTICS, INC.	)
14302 S. 81st Court	)
Orland Park, Illinois 60462	)
Serve: Barbara Lukaszewicz	)
14302 S. 81st Court	)
Orland Park, Illinois 60462	)
	)
DEFENDANTS	)

**COMPLAINT FOR INTERPLEADER,  
INDEMNITY, AND POSTING OF COLLATERAL**

Comes the Plaintiff, Great American Insurance Company ("Great American"), by counsel, and for its Complaint for Interpleader against the Interpleader Defendants, Assist Financial Services, Inc., o/b/o Litmax Lines, Inc.; KWL Trucking, Inc.; MIB Transport, LLC; Interstate Capital Corp., o/b/o Kee & C Enterprise, LLC; Interstate Capital Corp., o/b/o Seven Star Express, Inc.; Interstate Capital Corp. o/b/o United States Freight Service-Road and Rail, Inc.; Interstate Capital Corp., o/b/o London Transport, Inc.; Interstate Capital Corp., o/b/o Freight Transport, Inc.; Trucking Experts, LLC; Leyte Gulf, Ltd.; Frank's Vacuum Truck Service, Inc.; Bayland Transport, Inc.; Phoenix Capital Group, LLC, o/b/o JPMKL, Inc.; Sunbelt Finance, LLC, o/b/o On Time Logistics, LLC; Clark Transportation, Inc.; Cargo Transit Corp.; JB Transportation, Inc.; Stark Logistics, LLC; Riviera Finance of Texas, Inc., o/b/o Southwind Transportation, Inc.; Riviera Finance of Texas, Inc., o/b/o UDUI Trucking, LLC; A.J. Lines, Inc.; DF Carrier, LLC; Firstline Funding Group, o/b/o Eva Logistics, Inc.; Firstline Funding Group, o/b/o SAS Transportation, LLC; Menke, LLC; ZS Transportation, LLC; USXL Worldwide, LLC; JD Factors, Inc., o/b/o BNX, LLC; JD Factors, Inc., o/b/o Pro Star Freight Systems, Inc.; Genex Express Enterprises, Inc.; JT Express, Inc.; Corelogic, Inc., o/b/o LTI Trucking Services, Inc.; Corelogic, Inc., o/b/o Stallion Transportation Group, Inc.; Corelogic, Inc., o/b/o A&S Services Group, Inc.; Golden Eagle Transportation;

Pioneer Tank Lines, Inc.; Taylor Logistics, d/b/a Taylor Truck Line, Inc.; Tower Truck Lines, Inc.; Miller & Overton Trucking, Inc.; Jason Transport, Inc.; MAG Transportation, LLC; Fischer Trucking, Inc.; JTrans, Inc.; Special Delivery Express, Inc.; Bula Land Company, LLC; All Seasons Express, LLC; Nationwide Freight Systems, Inc.; American Highway, Inc.; Buchanan Hauling & Rigging, Inc.; LCA Trucking, Inc.; Webb Farm Services; Ash Transport, LLC; Pinewood Transportation, Ltd.; Tiesler Trucking, Inc.; HD Express, Inc.; Pocono Motor Freight, Inc.; Freight Zone Transportation, LLC; MMM Freight Corp.; GP Transportation Co.; St. Charles Trading, Inc.; StewardShip, Inc.; Transport One, Inc.; Owner-Operator Independent Drivers Association (“OOIDA”), o/b/o LHO Transport, Inc.; OOIDA, o/b/o TJ Transportation, LLC; A&M Carriers, LLC; Bill Funk Trucking, Inc.; Chasers Express, LLC; M&P Trans, Inc.; Terminal Transport, Inc.; West Wind Logistics, Inc.; Real Transport, Inc.; Logistics Services, Inc.; Bohren Logistics, Inc.; H.T.I. Hall Trucking Express, Inc.; USA Choice, Inc.; Dennis R. Hilker Trucking, LLC; Apex Capital Corp. o/b/o National Express Carriers, Inc.; KW Transit, Inc.; Rivera Finance of Texas, Inc., o/b/o Drina Trans, Inc.; Kevin Voigt Trucking, Inc.; B&M Transportation, LLC; Krueger Transportation, Inc.; Century Finance, LLC, o/b/o Coast 2 Coast Transport, Inc.; Danways Express, LLC; Sargent Trucking, LLC; Uriel Trucking, LLC; Casket Carriers, Inc.; Trademark Transportation, Inc.; RG Transport, LLC; Lakeland Cartage, Inc.; TAK Trucking, Inc.; Artur Express, Inc.; Flagship Transportation, LLC; G.M. Freight, Inc.; B&Z Logistics, Inc.; Baxter Baily & Associates, Inc., o/b/o Herrington Transportation, Inc.; Baxter Baily & Associates, Inc., o/b/o Family Transport, Inc.; Baxter Baily & Associates, Inc. o/b/o HMD Trucking, Inc.; Baxter Bailey & Associates, Inc., o/b/o Piccolo, Inc.; and Baxter Baily & Associates, Inc., o/b/o P&B Logistics, Inc. (collectively referred to as the “Interpleader Defendants”), and the Indemnity Defendants, M & D Transportation Services,

Inc. d/b/a MND Transportation, Inc. and Michael Giese (collectively referred to as the "Indemnitors") and states the following:

**JURISDICTION**

1. Jurisdiction is conferred on this Court pursuant to 49 U.S.C. §14704 for actions relating to motor carrier broker bonds and 28 U.S.C. § 1332 which gives Federal District Courts original jurisdiction of any action on a bond executed under any law of the United States.

2. The Plaintiff, Great American, is an Ohio corporation duly authorized to transact business in the State of Ohio, with its principal place of business located in Cincinnati, Hamilton County, Ohio.

3. The Defendant, M & D Transportation Services, Inc. d/b/a MND Transportation, Inc. ("MND"), is an Illinois corporation with its principal place of business located in West Chicago, Illinois, and is an indemnitor.

4. The Defendant, Michael Giese, is the President of MND and is an individual indemnitor.

5. The other individual defendants are claimants under a federal broker bond issued by Great American to MND.

**COUNT I**  
**INTERPLEADER**

6. On March 25, 2014, Great American, as surety, pursuant to 49 U.S.C. §13906(b), wrote a Broker's Surety Bond No. 246 35 80, Form BMC-84 (hereinafter the "Bond"), in the penal sum of \$75,000.00, for MND, as principal, in favor of the United States of America for the use and benefit of any and all motor carriers or shippers to whom may be legally liable for damages as described in said Bond.

7. Great American has received notice of multiple claims under its Bond by various bond claimants of MND and who are named Interpleader Defendants herein. Based on present information, the total amount of said claims is in excess of \$145,000.00.

8. Great American believes and expects that further claims are forthcoming and that the total of all claims, now and hereinafter submitted under the terms of the Bond will exceed the penal sum of \$75,000.00.

9. Great American seeks herein to pay the total penal sum of the Bond, \$75,000.00, into the Court for disbursement as the Court deems proper.

10. Based on information and belief, the following entities are current or potential claimants under the Bond:

<u>Claimant Name</u>	<u>Claim Amount</u>
Assist Financial Services, Inc. o/b/o Litmax Lines, Inc.	\$ 600.00
KWL Trucking, Inc.	\$ 1,125.00
MIB Transport, LLC	\$ 2,000.00
Interstate Capital Corp. o/b/o Kee & C Enterprise, LLC	\$ 450.00
Interstate Capital Corp. o/b/o Seven Star Express, Inc.	\$ 1,562.00
Interstate Capital Corp. o/b/o United States Freight Service-Road & Rail, Inc.	\$ 600.00
Interstate Capital Corp. o/b/o London Transport, Inc.	\$ 2,700.00
Interstate Capital Corp. o/b/o Freight Transport, Inc.	\$ 2,900.00
Trucking Experts, LLC	\$ 2,300.00
Leyte Gulf, Ltd.	\$ 2,200.00

<u>Claimant Name</u>	<u>Claim Amount</u>
Frank's Vacuum Truck Service, Inc.	\$ 1,250.00
Bayland Transport, Inc.	\$ 1,700.00
Phoenix Capital Group o/b/o JPMKL, Inc.	\$ 2,050.00
Sunbelt Finance, LLC o/b/o On Time Logistics, LLC	\$ 1,100.00
Clark Transportation, Inc.	\$ 1,250.00
Cargo Transit Corp.	\$ 500.00
JB Transportation, Inc.	\$ 475.00
Stark Logistics, LLC	\$ 1,675.00
Riviera Finance of Texas, Inc. o/b/o Southwind Transportation, Inc.	\$ 1,750.00
Riviera Finance of Texas, Inc. o/b/o UDUI Trucking, LLC	\$ 1,680.00
A.J. Lines, Inc.	\$ 1,950.00
D.F. Carrier, LLC	\$ 1,900.00
Firstline Funding Group o/b/o Eva Logistics, Inc.	\$ 2,050.00
Firstline Funding Group o/b/o SAS Transportation, LLC	\$ 3,850.00
Menke, LLC	\$ 1,200.00
ZS Transportation, LLC	\$ 3,000.00
USXL Worldwide, LLC	\$ 450.00
JD Factors, Inc. o/b/o BNX, LLC	\$ 2,410.00
JD Factors, Inc. o/b/o Pro Star Freight Systems, Inc.	\$ 1,130.00
Genex Express Enterprises, Inc.	\$ 600.00
JT Express, Inc.	\$ 600.00
Corelogic, Inc., o/b/o LTI Trucking Services, Inc.	\$ 750.00
Corelogic, Inc. o/b/o Stallion Transportation Group, Inc.	\$ 800.00

<u>Claimant Name</u>	<u>Claim Amount</u>
Corelogic, Inc. o/b/o A&S Services Group, Inc.	\$ 650.00
Golden Eagle Transportation	\$ 2,050.00
Pioneer Tank Lines, Inc.	\$ 800.00
Taylor Logistics d/b/a Taylor Truck Line, Inc.	\$ 600.00
Tower Truck Lines, Inc.	\$ 450.00
Miller & Overton Trucking, Inc.	\$ 3,650.00
Jason Transport, Inc.	\$ 375.00
MAG Transportation, LLC	\$ 1,950.00
Fischer Trucking, Inc.	\$ 1,100.00
JTrans, Inc.	\$ 630.00
Special Delivery Express, Inc.	\$ 1,380.00
Bula Land Company, LLC	\$ 7,050.00
All Seasons Express, LLC	\$ 955.00
Nationwide Freight Systems, Inc.	\$ 700.00
American Highway, Inc.	\$ 425.00
Buchanan Hauling & Rigging, Inc.	\$ 1,850.00
LCA Trucking, Inc.	\$ 1,000.00
Webb Farm Services	\$ 1,800.00
Ash Transport, LLC	\$ 1,950.00
Pinewood Transportation, Ltd.	\$ 3,500.00
Tiesler Trucking, Inc.	\$ 700.00
HD Express, Inc.	\$ 500.00
Pocono Motor Freight, Inc.	\$ 1,100.00
Freight Zone Transportation, LLC	\$ 1,800.00
MMM Freight Corp.	\$ 700.00
GP Transportation Co.	\$ 600.00
St. Charles Trading, Inc.	\$ 525.00
StewardShip, Inc.	\$ 845.00
Transport One, Inc.	\$ 800.00
Owner-Operator Independent Drivers Association o/b/o LHO Transport, Inc.	\$ 1,100.00

<u>Claimant Name</u>	<u>Claim Amount</u>
Owner-Operator Independent Drivers Association o/b/o TJ Transportation, LLC	\$ 2,150.00
A&M Carriers, LLC	\$ 600.00
Bill Funk Trucking, Inc.	\$ 1,550.00
Chasers Express, LLC	\$ 750.00
M&P Trans, Inc.	\$ 1,011.00
Terminal Transport, Inc.	\$ 700.00
West Wind Logistics, Inc.	\$ 2,400.00
Real Transport, Inc.	\$ 2,100.00
Logistics Services, Inc.	\$ 550.00
Bohren Logistics, Inc.	\$ 2,026.00
H.T.I. Hall Trucking Express, Inc.	\$ 660.00
USA Choice, Inc.	\$ 1,900.00
Dennis R. Hilker Trucking, LLC	\$ 750.00
Apex Capital Corp. o/b/o National Express Carriers, Inc.	\$ 3,950.00
KW Transit, Inc.	\$ 1,400.00
Rivera Finance of Texas, Inc. o/b/o Drina Trans, Inc.	\$ 1,040.00
Kevin Voigt Trucking, Inc.	\$ 2,200.00
B&M Transportation, LLC	\$ 1,635.00
Krueger Transportation, Inc.	\$ 600.00
Century Finance, LLC o/b/o Coast 2 Coast Transport, Inc.	\$ 375.00
Danways Express, LLC	\$ 2,500.00
Sargent Trucking, LLC	\$ 1,755.00
Uriel Trucking, LLC	\$ 1,200.00
Casket Carriers, Inc.	\$ 1,245.00
Trademark Transportation, Inc.	\$ 1,040.00
RG Transport, LLC	\$ 1,050.00
Lakeland Cartage, Inc.	\$ 900.00
TAK Trucking, Inc.	\$ 2,125.00

<u>Claimant Name</u>	<u>Claim Amount</u>
Artur Express, Inc.	\$ 2,600.00
Flagship Transportation, LLC	\$ 650.00
G.M. Freight, Inc.	\$ 625.00
B&Z Logistics, Inc.	\$ 2,230.00
Baxter Baily & Associates, Inc. o/b/o Herrington Transportation, Inc.	\$ 550.00
Baxter Baily & Associates, Inc. o/b/o Family Transport, Inc.	\$ 1,200.00
Baxter Baily & Associates, Inc. o/b/o HMD Trucking, Inc.	\$ 1,350.00
Baxter Bailey & Associates, Inc. o/b/o Piccolo, Inc.	\$ 450.00
Baxter Baily & Associates, Inc. o/b/o P&B Logistics, Inc.	\$ 375.00
TOTAL	\$147,409.50

11. Each of the Defendants herein should be required to demonstrate their claim against the Bond or be barred from thereafter making a claim against the bond.

12. The Defendant, MND, should be required to submit any defense to any claim of the Interpleader Defendants or be barred from contesting liability under the bond, and/or contesting its liability to Great American under the Indemnity Agreement.

13. Great American claims an interest in any bond proceeds that may remain after disposition of same.

#### COUNT II INDEMNITY

14. Great American hereby restates, reiterates, and realleges each and every allegation set forth in Paragraphs 1 – 15 above as if fully set out herein verbatim.

15. Prior to Great American agreeing to write the aforementioned Bond for MND, Great American requested that an Application for said Bonds be completed by the Indemnitors.

The Indemnitors agreed to Great American's request and completed and executed the Commercial Surety Application ("Application") attached hereto as Exhibit "A."

16. The Application included an Indemnity Agreement which states as follows:

The undersigned Applicant and Indemnitor(s), all hereinafter called the Undersigned, hereby certify that the foregoing declarations made and answers given, are the truthful, accurate and complete in all respects without reservation, and are made for the purpose of inducing any surety (herein the "Surety") to issue or renew the bond or undertaking applied for and any renewal and increase of the same or of any bond or undertaking of similar nature given in substitution or renewal thereof (all comprehended in the word "bond" or "undertaking" as herein used). In consideration of the Surety executing said bond or undertaking, the Undersigned jointly and severally agree as follows:

(a) To pay the Surety all premiums due and annually in advance of each renewal thereafter, until the Undersigned shall serve upon the Surety, in its said office, competent written legal evidence, satisfactory to the Surety, of it being fully discharged from such bond or undertaking; (b) That the Undersigned hereby authorizes the Surety to make such pertinent inquiry as may be necessary from financial institutions, including but not limited to credit reports from credit reporting agencies, persons, firms, and corporations in order to confirm and verify information referred to or listed on this application remains accurate. (c) The Undersigned will at all times indemnify, and keep indemnified, the Surety, and hold and save it harmless from and against any and all liability, loss, costs, damages, charges and expenses of whatever kind or nature, including expenses, collection fees and attorneys' fees, costs of adjustment and claims handling (whether in-house or by third parties) which it may, at any time, sustain or incur by reason or in consequence of furnishing any bond or undertaking or enforcing this Agreement. (d) That the Surety shall have the right to pay, settle or compromise any claim, demand, suit or judgment upon said bond or undertaking. (e) The Undersigned will deposit with the Surety on demand an amount deemed sufficient by the Surety to discharge any claim made against the Surety on this bond or undertaking. This sum may be used by Surety to pay such claim or be held by Surety as collateral security against loss or cost on this bond or undertaking. (f) To waive, and here does waive, all right in claim any property, including homestead, exempt from levy, execution, sale or other legal process under the law of any state or states; (g) Indemnitors hereby grant to the Surety a security interest in and lien on, all of their furniture, fixtures, equipment,

office equipment, books and records, documents, accounts, deposit accounts, investment property, security accounts and security entitlements, accounts receivable, chattel paper, instruments, letter of credit rights, contract rights and contract proceeds, machinery, plant, inventory, insurance policies, vehicles, tools, real property, and general intangibles, and agree that Surety may perfect any interest granted herein by filing or otherwise. (h) Undersigned agrees that premiums are fully earned upon issuance of a bond and are not refundable. (i) That the Surety shall be under no obligation to execute, renew or continue any bond, and shall have the absolute right to cancel the Bonds, or any of them, in accordance with any cancellation provision contained therein, or to procure its release from any bond under any law for the release of sureties, and Surety is hereby released from any damages that may be sustained by the undersigned by reason of such cancellation or release.

Confession of Judgment. Without limiting the generality of any other provision of this agreement, the undersigned principal and Indemnitors hereby jointly, severally and irrevocably authorize and empower any attorney of record, or prothonotary or clerk of any court in any jurisdiction to appear for any or all of them at any time or times in any court with respect to any such sums due under this agreement, with or without declaration filed as of any term, to waive the issuing and service process and to confess or enter judgment against any or all of them for all such sums payable under this agreement as evidenced by an affidavit signed by an authorized representative of surety setting forth such amount due, plus reasonable attorney's fees, cost of suit and interest, with release of all procedural efforts and without right of appeal or stay of execution. The undersigned jointly and severally waive the right to any stay of execution and the benefit of any and all exemptions to which they may now or may hereafter be entitled under law. No single exercise of the foregoing warrant and power to bring an action or confess judgment shall be deemed to exhaust the power but the power shall continue undiminished and may be exercised from time to time as often as surety shall elect, whether before or after demand is made, until all sums payable to surety under the agreement have been paid in full. It is further hereby agreed that a facsimile of this executed agreement shall be deemed an original in any Court of law.

17. Pursuant to the forgoing agreement, the Defendants, MND Transportation, and Michael Giese, as an individual indemnitor, agreed to indemnify and hold harmless Great American from any losses, costs, or expense, including attorney's fees incurred by Great American herein.

18. Because of the number of claimants and potential claimants under the bond, Great American expects to incur losses related to same, and to incur attorney fees, costs and expenses related to same, as well as the prosecution of this action.

19. Great American is entitled to judgment against each indemnitor, jointly and severally, for all of its loss, costs, and expenses, including attorney's fees incurred herein, pursuant to the terms and conditions of the Indemnity Agreement in favor of Great American.

**COUNT III**  
**SPECIFIC PERFORMANCE**

20. Great American hereby restates, reiterates, and realleges each and every allegation set forth in Paragraphs 1 – 21 above as if fully set out herein verbatim.

21. Great American has demanded that the Defendants honor their obligations to it under the Indemnity Agreement, and the Defendants have refused and continue to refuse to do the same.

22. Great American is entitled to specific performance of the Indemnity Agreement, and to be placed in funds or to receive collateral from the Defendants in an amount equal to Great American's loss and potential losses under its Bonds which amount is currently estimated to be \$75,000.00.

23. Great American reserves the right to supplement this Complaint to conform to its actual losses under the Bond.

NOW, WHEREFORE, the Plaintiff, Great American Insurance Company, demands:

1. That each of the Interpleader Defendants named herein or joined herein be prohibited from commencing any action against the Plaintiff, Great American Insurance Company, on the Bond;
2. That an order or judgment be entered that no Interpleader Defendant is entitled to the proceeds of the Bond or any part of it until and after all Interpleader Defendants have asserted their rights to the proceeds;
3. That the Plaintiff, Great American Insurance Company, be discharged and released from all liability under its Bond upon payment of its \$75,000.00 into Court;
4. Judgment, joint and several against the Defendant Indemnitors, MND Transportation, Inc. and Michael Giese, and each of them, for its losses, costs, and expenses, including attorney's fees incurred herein in an amount to be determined by the Court; and
5. Judgment for specific performance under the terms and conditions of the indemnity agreement requiring the indemnitors, jointly and severally, to deposit with Great American Insurance Company, the amount of \$75,000.00.
6. For any and all other relief which the Court may deem appropriate.

Respectfully Submitted,

/s/ Gregg E. Thornton

\_\_\_\_\_  
GREGG E. THORNTON  
WARD, HOCKER & THORNTON, PLLC  
Vine Center, Suite 1100  
333 West Vine Street  
Lexington, Kentucky 40507  
(859) 422-6000  
(859) 422-6001 (Fax)  
GThornton@whtlaw.com  
*Counsel for Plaintiff*  
*Great American Insurance Company*